In the Supreme Court of the United States.

OCTOBER TERM, 1899.

EX PARTE: IN THE MATTER OF Thomas Vasquez, petitioner.
EX PARTE: IN THE MATTER OF José Juan Vidal et al., petitioners.
} Original. No. —.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES PROVISIONAL COURT FOR PORTO RICO.

SUGGESTION BY THE UNITED STATES.

Comes now the Solicitor-General on behalf of the United States in the above-entitled causes and files herewith, for the information of the court, a copy of certain correspondence between him and the Secretary of War in relation to the present status of the matters involved therein.

A copy hereof has been furnished to counsel for petitioners.

JOHN K. RICHARDS,
Solicitor-General.

MAY 22, 1900.

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DEPARTMENT OF JUSTICE,
Washington, D. C., May 14, 1900.

The SECRETARY OF WAR.

SIR: I have the honor to transmit herewith copies of the brief for the United States in two cases pending upon the docket of the Supreme Court of the United States, entitled Ex Parte: In the matter of Thomas Vasquez, petitioner, and Ex Parte: In the matter of Jose Juan Vidal et al., petitioners. These cases are before the court on petitions for writs of certiorari to review judgments of the United States provisional court for Porto Rico, that in the Vasquez case sentencing the petitioner to pay a fine for influencing one Baez to vote illegally at an election, and the other ousting the petitioners from the municipal offices of Guayama, which they obtained by fraud.

The attention of the Department has been directed to a newspaper publication in which it was stated that General Davis has pardoned Vasquez. If this is so, of course, the court will be unwilling to entertain what is only a moot question. Will you not be good enough to inform me at once whether this report is correct, cabling, if necessary, to Porto Rico for the information?

It is important, also, to know whether any action has been taken by General Davis with regard to the municipal officers concerned in the Vidal case. Please ascertain and advise me whether these persons still hold their offices. Under the order by which the provisional court was instituted ninety

days was given within which application might be made to the Supreme Court for the review of any judgment thereof, so that at the time the petition in this case was presented the petitioners held the offices to oust them from which the judgment of the provisional court was given.

Respectfully,

J. K. RICHARDS,
Solicitor-General.

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., May 17, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, requesting information relative to the pardon of Tomas Vasquez and concerning the matter of Jose Juan Vidal et al., petitioners.

In reply I beg to advise you that in answer to this Department's cablegram, Brig. Gen. George W. Davis, commanding the department of Porto Rico, on the 15th instant, replied as follows:

"Tomas Vasquez, for himself and others convicted of election frauds, accepted pardon thankfully, as did their attorney, both in writing. The result of the Guayama election was announced in paragraph 4, Special Orders 220, 1899, and those named therein were in office April 30. Secretary of Porto Rico says no subsequent changes reported. Stay of execution of decree provisional court, declaring incumbent illegally in office, operates until Supreme Court decides. See my General Order 216, 1899, also report of pardon by mail May 8."

A copy of his letter of May 8, above referred to, is herewith inclosed, together with copies of the general orders mentioned.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

The Honorable SOLICITOR-GENERAL,
Department of Justice.

(Inclosures, as above.)

HEADQUARTERS DEPARTMENT
OF PORTO RICO,
San Juan, May 8, 1900.

ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.

SIR: I inclose herewith a copy of General Order 96 from these headquarters, concerning which it may not be inappropriate for me to make the statement that the considerations leading to its issuance, other than those recited in this order, were that the pardon was asked for by the persons under sentence; that such clemency was desired by a large number of the inhabitants; that public sentiment in Porto Rico would not, in my belief, have justified or approved a sentence of imprisonment in these cases; and, finally, I felt that it would be appropriate for me to take this action, almost the final one of the military government, and spare these men from the physical effects of the sentence for violation of a law, which violation was made a crime by military order promulgated by me.

In deciding upon this course of action I gave no

consideration to the bearing it might have upon any political, legal, or legislative situation in the United States.

Very respectfully,

GEO. W. DAVIS,
Brigadier-General, Commanding.

GENERAL ORDERS, No. 96. } HDQRS. DEPARTMENT OF PORTO RICO, *San Juan, April 30, 1900.*

The following named persons:

Tomas Vasquez,	Prudencio de Jesus,
Placido Ledee,	Anacyto Flores,
Ramon Baez,	Manuel Cintron,
Teodoro Marsan,	Alfredo Cintron,
Felipe Rodriguez,	Cristobal Diaz,
Santiago Morales,	Jose Federico Correa,
Cruz Serrano,	Domingo Roblez,
Miguel Suarez,	Juan Abrosia Suarez,
Mateo Guzman,	Francisco Vasquez,
Ramon Rodriguez,	Braulio Gual,
Jose Ortiz Silva,	Benito Vasquez,
Julio Vasquez,	Marcelino Flores,
Jose M. Torres,	Ramon Ortiz,
Juan Val. Pillot,	Feliz Cruz,
Monserate Gomez,	Luis Cotijo, and
Justo Godineau,	Sandalio Cintron.
Francisco Rivera,	

having been duly tried and convicted by the United States provisional court for the Department of Porto Rico, of the offense of fraudulently voting and controlling others to fraudulently vote at the municipal election of Guayama, and having been

sentenced pursuant to such conviction, and application having been made by counsel in their behalf to the Supreme Court of the United States for writ of habeas corpus and subsequently for writ of certiorari, and no relief having been obtained from the Supreme Court of the United States by reason of limited time available prior to the dissolution of the United States provisional court, and in consideration of the fact that this was the first election held in Porto Rico under the United States system, and of the fact that the offenses were committed in the heat of partisan political contest, and are not of the character of a felony, and in the belief that the trial already had will prove a sufficient warning to these offenders, a full and complete pardon is hereby granted to the aforesaid persons.

By command of Brigadier-General Davis:

WM. E. ALMY,
Acting Adjutant-General.

SPECIAL ORDERS, } HDQRS. DEPARTMENT
OF PORTO RICO,
No. 220. } *San Juan, November 6, 1899.*

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4. The following result of the election held in the municipality of Guayama, Porto Rico, on the 31st of October, 1899, in accordance with General Orders, No. 160, current series, these headquarters, is published for the information and guidance of all concerned:

Alcalde, Don José Juan Vidal.

Municipal judge, Don José Gual y Silven.

Suplente municipal judge, Don Julian Vilodas Guilliod.

School trustees: Don Julio S. Bruno, Don Juan Francisco Rivera, Don Manuel L. Aguiar, Don Fernando Calimano, Don Francisco Modesto Giraud.

Councilmen: Don Modesto Bird y Leon, Don Manuel Lopez Collazo, Don Tomas Vazquez Rivera, Don Luis E. Castagnet Cintron, Don Modesto Ramos Cintron, Don Sergio de la Mata Dalman, Don Domino Pales Anes, Don Joaquin Fernandez Colon, Don Gabriel Capo y Cintron, Don Edgardo Vazquez Aguilar, Dr. Don E. Gonzales Tatgreen, Don Genaro Cautino Vazquez.

Capt. F. W. Foster, Fifth U. S. Cavalry, will proceed at once to Guayama and install the successful candidates into their respective offices. Upon completion of this duty Captain Foster will return to his proper station at Cayey.

The travel enjoined is necessary for the public service.

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By command of Brigadier-General Davis:

W. P. HALL,
Adjutant-General.

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